

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA and  
THE STATE OF TEXAS, *ex rel.*  
THOMAS HEADEN, III**

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**Plaintiff,**

**vs.**

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**CIVIL ACTION NO. 4:18-CV-00773  
JURY DEMANDED**

**ABUNDANT LIFE THERAPEUTIC  
SERVICES TEXAS, LLC, JON FORD,  
and JOHN DOES (1-50) INCLUSIVE;**

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**Defendants.**

**DEFENDANT JON FORD'S JOINDER IN DEFENDANT ABUNDANT LIFE  
SOLUTIONS THERAPEUTIC SERVICES TEXAS, LLC'S MOTION TO DISMISS  
(DKT.14) AND MOTION TO DISMISS SECOND AMENDED COMPLAINT  
(DKT.22)**

COMES NOW, Defendant, JON FORD ("Ford"), and hereby joins in Defendant ABUNDANT LIFE THERAPEUTIC SERVICES TEXAS, LLC ("Abundant Life") Motion to Dismiss (DKT.14), Reply in Support of Motion to Dismiss (DKT.17) and Motion to Dismiss Second Amended Complaint (DKT.22), and respectfully states as follows:

**I. Nature and Stage of Proceeding**

While this matter has been ongoing for almost a year, Defendant Jon Ford was only recently sued in his individual capacity in Plaintiffs' Second Amended Complaint filed on January 25, 2019. It appears Plaintiff's Second Amended Complaint is his third bite at the apple so to speak in order to meet the minimum pleading requirements of the Federal Rules of Civil Procedure and the heightened pleading requirements under the False Claims Act ("FCA") and Anti-Kickback Statute ("AKS"). Unfortunately, he again falls well short of the mark. Although Defendant Ford has not yet been served with process, nonetheless he makes this initial appearance to join in

Abundant Life's Motion to Dismiss Second Complaint for failure to comply with Fed. R. Civ. P. 12(b)(6) and 9(b) and requests that the Court dismiss the Second Amended Complaint in its entirety with prejudice.

## **II. Statement of the Issues**

Defendant Ford adopts and incorporates fully the Statement of Issues as set out in Defendant's Motion to Dismiss (DKT.14) and Defendant's Motion to Dismiss Second Amended Complaint (DKT.22).

## **III. Joinder**

Defendant Ford joins in, incorporates, and adopts by reference the arguments presented to the Court in Defendant Abundant Life's Motion to Dismiss (DKT. 14) filed on October 12, 2018, Defendant Abundant Life's Reply in Support of its Motion to Dismiss (DKT.17) filed on October 31, 2018 and Defendant Abundant Life's Motion to Dismiss Second Amended Complaint (DKT.22) filed on February 5, 2019 as if fully set forth herein.

Defendant Ford respectfully requests that the Court grant the Motion Dismiss the Second Amended Complaint and dismiss all claims asserted by Plaintiffs with prejudice and grant Defendant such other relief to which it may be entitled at law or in equity. A proposed order is attached for the Court's consideration.

## **Conclusion & Prayer**

WHEREFORE, PREMISES CONSIDERED, Defendant JON FORD, respectfully requests that the Court grant the Motion to Dismiss Second Amended Complaint (DKT.22) filed February 5, 2019, and grant all such other relief to which Defendant JON FORD may be entitled.

Respectfully submitted,  
**HENDERSHOT, CANNON & HISEY, P.C.**

/s/ Simon W. Hendershot

SIMON W. HENDERSHOT, III

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**ATTORNEYS FOR DEFENDANT,  
JON FORD**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of March, 2019, a true and correct copy of the above was served upon the attorneys of record in the above entitled and numbered cause, via ECF filing.

/s/ Simon W. Hendershot, III  
SIMON W. HENDERSHOT, III